



06-06-03

09/13/04

#12/CPA

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

CHECK BOX, if applicable:

☐ DUPLICATE

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

Mail Stop CPA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Attorney Docket No.
of Prior Application

82771P270

First Named Inventor

Mohan V. Kalkunte

Examiner Name

Frank Duong

Group/Art Unit

2664

Express Mail Label No.

EV127105974US

Technology Center 2600

JUN 1 9 2003

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This is request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number ~~09/131141~~ **09/213096**
filed on ~~August 7, 1998~~, entitled ~~Method and Apparatus for Preserving Frame Ordering Access Across~~
~~Aggregated Links Between Source and Destination Nodes~~.

Dec 17, 98 Method and Apparatus for preserving Flow Order across
Links of a multilink Trunk

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

06/25/2003 PZ/ERM 00000001 09213096

01 FC:1006
02 FC:1205
03 FC:1204

- ☒ Enter the unentered amendment previously filed on _____
under 37 CFR 1.53(b) in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

(Page 1 of 2)

Based on PTO/SB/29 (05-03) as modified by Blakely, Solokoff, Taylor & Zafman (wlr) 05/02/2003.
SEND TO: Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Our Docket No.: 82771P270C

RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mohan V. Kalkunte et al.

Application No.: 09/213,096

Filed: December 17, 1998

For: METHOD AND APPARATUS FOR
PRESERVING FLOW ORDER ACROSS
LINKS OF A MULTI LINK TRUNK

Examiner: Frank Duong

Art Group: 2664

Date of Mailing of Office Action:
02/05/2003

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AMENDMENT AND RESPONSE UNDER 37 CFR §1.116

BOX NON-FEE AMENDMENT
Assistant Commissioner for Patents
Washington, DC 20231-9998

Sir:

In response to the outstanding Advisory Action, mailed May 16, 2003, Applicants submit the following claims and arguments being filed with a Continued Prosecution Application (CPA):

IN THE CLAIMS

Following is a complete set of claims as amended with this Response.

- 1 1. (Currently Amended) A method for improving receive performance in a data network,
2 the method comprising:
3 receiving up to a plurality of indications denoting the start of frame transmission on a
4 corresponding plurality of communication links;

82771P270C
Pat. App. No. 09/213,096